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January 14, 2010

William Walsh, Clerk
U.S. District Court
Clarkson S. Fisher Courthouse, Room 4000
402 East State Street
Trenton, NJ 08608

Electronically Filed

Re: Charles Novins, Esq. v. Kevin A. Cannon,
et al., U.S. District Court of NJ,
Civil Action 3:09-CV-5354

Dear Sir:

This letter is in explanation of the amended notice of motion that I filed January 13, 2010.

My original motion was filed on January 11, 2010 under F.R.C.P. 12(b)(6). The plaintiff, Charles Novins, objected because it was filed after, rather than prior to, filing our answer, contra the rule.

Accordingly, on January 13, 2010 I filed the amended notice of motion for judgment on the pleadings under F.R.C.P. 12(c). Under that rule, a motion for judgment on the pleadings may be made "After the pleadings are closed – but early enough not to delay trial . . ."

Since the standards are the same for motions under F.R.C.P. 12(c) and F.R.C.P. 12(b)(6), motions are routinely converted to F.R.C.P. 12(c) motions. See, e.g. *Douglas v. District of Columbia*, 605 F.Supp.2d 156, 161 (D.C. 2009).

In all events, I am withdrawing my original notice of motion filed January 11, 2010 and replacing it with the amended notice of motion filed yesterday.

DAVIDSON, SOCHOR, RAGSDALE & COHEN, L.L.C.

January 14, 2010

Respectfully submitted,



Richard A. Ragsdale

Enclosures

C: Hon. Anne E. Thompson (by regular mail)
Hon. Douglas E. Arpert (by regular mail)
Dennis J. Duncan, Esq. (by email)
Joseph A. Manzo, Esq. (by email)
Charles Novins, Esq. (by email)